

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN

FILED - LN
Julv 20 2016 11:36 AM
CLERK OF COURT
U S DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

BY piw/

SCANNED BY X4 7/21/16

CHAUNCEY THOMAS-SWIFT #945609
PLAINTIFF,

CASE NO. _____

VS.

RANDALL P. UPSHAW
BAR NO. P43574
LAW OFFICE OF RANDALL P. UPSHAW
DEFENDANTS. _____/

1:16-cv-919

**Gordon J. Quist, US District Judge
Ray Kent, US Magistrate Judge**

COMPLAINT FOR LEGAL MALPRACTICE

1. This is an action for money damages brought pursuant to 18 U.S.C. 1964 and the 4th, 6th, 14th amendments to the United States Constitution, and under the common law of the Commonwealth of Michigan, against Attorney Randall P. Upshaw and his Law Firm in their individual and official capacities; Plaintiff sues Defendants individually and they are doing business as the Law Office of Randall P. Upshaw at: 17373 West 12 Mile Road, Lanthrup Village, Mich. 48076, Tel. (248)-569-7776/Fax: (248)-569-1442; the second defendant is the Defendant's insurance company as John Doe, until after the preserve Right to amend this complaint after discovery is made, where the Defendant is named and the address is made available to the Plaintiff and the Court for the U.S. Marshal to perform service of process.

JURISDICTION

2. Jurisdiction is based upon 28 U.S.C. 1331 & 1343 and on the pendent jurisdiction of this court to entertain claims arising under state & Federal law.
3. Chauncey Thomas-Swift is a resident of the State of Michigan in the city of Detroit, and is a citizen of the State of Michigan as well as the defendants.
4. The Law Office of Randall P. Upshaw is a Professional Corporation incorporated under the laws of the State of Michigan, with its principal place of business at the address cited in paragraph 1 above.
5. There appears to be diversity of citizenship regarding the city of the two Plaintiff and Defendants, and the matter in controversy exceeds, exclusive of interests and costs, over the sum of \$75,000.

PARTIES

6. Plaintiff was at all times mentioned in this complaint an employee of the Airman Industries located at 51056 Century Ct., Wixom, Michigan 48393 as a supervisor
7. The Defendants were at all times mentioned in this complaint are members of the Bar of the State of Michigan, and actively engaged in the practice of law in and around the city of Lanthrup Village, Michigan.

8. Plaintiff base this complaint on the attached Administrative Complaint that was filed to exhaust any attorney disciplinary remedies, by addressing the same to the attorney with oversight of the Office of the Professional Responsibility & Attorney General of the Department of Justice whom can address this matter & if the court requires further exhaustion of this matter especially where the Attorney refuses to respond where there is a duty to respond under the due process clause the attorney Randall P. Upshaw refused to respond to this complaint; the U.S. Attorney at the address below can address this matter regard the Professional Responsibility violations on the administrative level:

Nancy Aishie A. Abraham, Bar No. P42060, Assistant U.S. Attorney of the U.S. Department of Justice, 600 Church street, Room 210, Flint, Michigan 48502; Tel. (810)-766-50/Fax: (810)-766-5427 pursuant to 28 C.F.R. 0.39a(a)(9);

9. The administrative complaint that this complaint is based upon is entitled: **CONDITIONAL ACCEPTANCE FOR VALUE FOR PROOF OF CLAIM IN THE NATURE OF REQUEST FOR DISCOVERY UPON CONTRACTUAL AGREEMENT FOR DETERMINATION OF UNCONSCIONABILITY AND OR FRAUD ON THE CONTRACT-ABILITY TO PAY AT LAW AND AGREEMENT FOR COMMERCIAL DISCHARGE.** see the attached herewith.

10. As a direct and approximate result of the described acts cited in the Administrative Complaint attached herewith of the Defendants, the Plaintiff, Chauncey Thomas-Swift suffered the following injuries and damages:

- a. violation of his constitutional rights under the fourth & fourteenth Amendments to the United States Constitution to be free from an unreasonable search & seizure of his person;
- b. violation of his constitutional rights under the sixth amendment to the United States Constitution to have the assistance of counsel for his defense & to have compulsory process for obtaining witnesses in his favor;
- c. loss of his liberty;
- d. physical pain and suffering and emotional trauma and suffering requiring the expenditure of money for treatment.

11. The actions of the Defendants violated the following clearly established & settled Federal Constitutional rights of Chauncey Thomas-Swift:

- a. Freedom from unreasonable seizure of his person;
- b. Freedom from emotional suffering;
- c. Freedom of liberty.

WHEREFORE, the Plaintiff requests that this court:

- a. Award compensatory damages to Plaintiff against the defendants, jointly and severally;
- b. Award costs of this action to the Plaintiff;
- c. Award the return of attorney fees that was defrauded from Plaintiff in the amount of \$500.00 for a 15 minute consultation to decide if Defendants could try the

case. Payment of additional \$8,500.00 up front, under the agreement that Defendants would represent Plaintiff all the way through trial;

d. Award reasonable attorney's fees and costs to the Plaintiff ;

e. Award such other and further relief as this Court may deem appropriate.

The Plaintiff hereby demands a jury trial.

7-13-16
Date



Plaintiff's Signature



CHAUNCEY THOMAS-SWIFT
REG. NO. #945609
1790 EAST PARNALL ROAD
JACKSON, MICH. 49201-7139

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UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MICHIGAN
113 FEDERAL BUILDING
315 WEST ALLEGAN STREET
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